

SERVICE DATE – JUNE 22, 2020

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36410

NORTHEAST TEXAS CONNECTOR, LLC—OPERATING EXEMPTION—NORTHEAST
TEXAS RURAL RAIL TRANSPORTATION DISTRICT

Digest:¹ This decision permits the operating authority granted in this docket to become effective on June 26, 2020.

Decided: June 22, 2020

On June 3, 2020, Northeast Texas Connector, LLC (NETC), a noncarrier, filed a verified notice of exemption under 49 C.F.R. § 1150.31 to operate a rail line owned by the Northeast Texas Rural Rail Transportation District (NETEX) located between milepost 555.0 in Greenville, Tex., and milepost 489.41 in Winfield, Tex., a distance of approximately 65.59 route miles (the Line). Notice of the exemption was published in the Federal Register on June 19, 2020 (85 Fed. Reg. 37,148).

Under 49 C.F.R. § 1150.32(b), notices of exemption become effective 30 days after they are filed. Accordingly, the verified notice filed by NETC ordinarily would be effective July 3, 2020. However, on June 12, 2020, NETC filed a petition to waive the 30-day effectiveness period to the extent necessary to allow the exemption to become effective no later than June 26, 2020. NETC explains that the incumbent carrier, The Blacklands Railroad (BLR), intends to cease operations on June 30, 2020.² (NETC Pet. 2.) NETC states that the requested waiver will allow it to make the necessary preparations to immediately assume operations when BLR discontinues its service and thereby minimize the risk of disruption of service on the Line.³ (Id.) No party has filed in opposition to the request for waiver.

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. See Policy Statement on Plain Language Digests in Decisions, EP 696 (STB served Sept. 2, 2010).

² On February 14, 2020, BLR was granted an exemption to discontinue its operations on the Line and discontinue trackage rights over an adjacent 10.41-mile segment of track owned by Union Pacific Railroad Company. See Blacklands R.R.—Discontinuance of Serv. Exemption—in Hunt, Delta, Hopkins, Franklin, & Titus Cty., Tex., AB 1108 (Sub-No. 1X) (STB served Feb. 14, 2020).

³ NETC states that on June 11, 2020, it entered into an operating agreement with NETEX allowing NETC to provide service on the Line. (NETC Pet. 2.)

A waiver is appropriate here, as accelerating the effective date of the exemption will help avoid a potential disruption of rail service on the Line. Therefore, for good cause shown, the Board will grant the unopposed petition and waive the 30-day requirement under § 1150.32(b) to the extent necessary to permit the exemption to take effect on June 26, 2020.

It is ordered:

1. The petition for waiver is granted.
2. The 30-day provision under 49 C.F.R. § 1150.32(b) is waived, and the exemption shall become effective on June 26, 2020.
3. This decision is effective on its service date.

By the Board, Board Members Begeman, Fuchs, and Oberman.